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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

Federal Communications Commission  
Office of Secretary

In The Matter of )  
 )  
Implementation of the Local ) CC Docket No. 96-98  
Competition Provisions in the ) DA 97-405  
Telecommunications Act of 1996 )

REPLY COMMENTS OF U S WEST, INC.

U S WEST, Inc. ("U S WEST")<sup>1</sup> hereby supports those commentors who oppose<sup>2</sup> the Pennsylvania Public Utility Commission's ("PaPUC") Petition for Expedited Waiver ("Waiver" or "Petition"),<sup>3</sup> which was recently publicly noticed.<sup>4</sup> We agree with these commentors that the PaPUC has failed to meet the evidentiary standards necessary to support a waiver request.<sup>5</sup> Furthermore, like many

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<sup>1</sup> In these comments, U S WEST reflects the interests not just of its incumbent local exchange carrier ("ILEC") operations but those of its subsidiaries -- new entrants in the local exchange market. Our new entrant subsidiaries will often be assigned central office ("CO") codes from new area codes -- whether deployed through geographic splits or overlays.

<sup>2</sup> See, e.g., AT&T Corp. ("AT&T"), Teleport Communications Group Inc. ("Teleport"), MCI Telecommunications Corporation ("MCI"), Sprint Corporation ("Sprint") and WorldCom, Inc. ("WorldCom"). Comments opposing the PaPUC Waiver were filed solely by business entities.

<sup>3</sup> Specifically, PaPUC filed a "Petition of the Pennsylvania Public Utility Commission for Expedited Waiver of the 10-Digit Dialing Requirement of 47 C.F.R. Sec. 52.19 for 412 NPA Overlay Area Code Relief," filed Feb. 14, 1997.

<sup>4</sup> Public Notice, Pennsylvania Public Utility Commission Files Petition for Expedited Waiver of the Ten Digit Dialing Requirement of 47 C.F.R. § 52.19 for 412 (Pittsburgh) NPA Overlay Area Code Relief, CC Docket No. 96-98, DA 97-405, rel. Feb. 25, 1997 (Tracking No. 970116).

<sup>5</sup> See, e.g., Teleport at 3, citing to Wait Radio v. FCC and Northeast Cellular Telephone Co. v. FCC.

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commenting parties, U S WEST opposes the PaPUC Petition because of its request for deviation from what the Federal Communications Commission ("FCC" or "Commission"), U S WEST, and the industry in general agree is the only competitively neutral solution to dialing in an overlay environment: 10-digit dialing.<sup>6</sup>

I. THE PAPUC FAILS TO OVERCOME THE FCC'S HOLDING THAT TEN-DIGIT DIALING, RATHER THAN SEVEN-DIGIT DIALING, IS IN THE OVERALL NATIONAL PUBLIC INTEREST.

U S WEST is on the record in support of the Commission's Second Report and Order conclusion that 10-digit dialing with respect to the introduction of overlay area codes is the model most in the public interest. Thus, we support those commentators opposing the PaPUC Waiver because it is inconsistent with the FCC's Second Report and Order.<sup>7</sup> The PaPUC has petitioned for reconsideration of that Order. Because the reconsideration petitions have not been resolved, the PaPUC seeks the current Waiver due to "special circumstances."

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<sup>6</sup> Virtually all commenting parties opposing the PaPUC Waiver point out that the only way competitive equity can be achieved with respect to such implementation is to require 10-digit dialing for customers in both the old and the overlaid area code.

<sup>7</sup> As certain commenting parties point out, the PaPUC 412 Area Code Order was adopted subsequent to the FCC's Second Report and Order, and was inconsistent with that Order from the day of its issuance. In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket Nos. 96-98, et al., FCC 96-333, rel. Aug. 8, 1996, appeals pending sub nom. People of the State of California, et al. v. FCC, Nos. 96-3519, et al. ("Second Report and Order" or "Order"). WorldCom points out that the PaPUC voted on its overlay plan in June of 1996, whereas its written opinion was not released until September. During the interim period, the FCC issued its Second Report and Order. WorldCom at 2. See also Teleport at 3-4.

As certain commentators point out, however, the “special circumstances” cited by the PaPUC are either not sufficiently developed to allow for sound analysis of the petition;<sup>8</sup> or they do not really constitute “special circumstances” at all.<sup>9</sup> Rather, the Petition seems more the representation of a fundamental disagreement with the FCC’s approach to the matter of overlays and 10-digit dialing, as resolved by the Second Report and Order.

As do most of the commentators, U S WEST supports the FCC’s mandate for 10-digit dialing when deploying area code overlays. We believe that such dialing not only promotes competitive equity, but also reduces customer dialing confusion, in the long run.<sup>10</sup> To the extent that the overall national model is one of 10-digit

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<sup>8</sup> See, e.g., AT&T at 5-6 (the FCC would have to have a great deal more facts to determine the adequacy and significance of the facts cited in the Petition before it could determine competitive impacts).

<sup>9</sup> AT&T at 1-4 (neither the existence of interim nor permanent number portability constitute “special circumstances” supporting a Waiver request); Sprint at 3 (interim number portability is certainly not a “special circumstance” supportive of the PaPUC Waiver request); Teleport at 4, 6 (with respect to overlay area code deployments, interim number portability is not a “special circumstance” supporting a waiver request, nor is permanent number portability in the absence of 10-digit dialing); WorldCom at 4 (the PaPUC Waiver request really appears based on the argument that the FCC has not responded fast enough to the PaPUC’s Petition for Reconsideration).

<sup>10</sup> U S WEST does not want to dispute any specific public utility commission’s determination of “customer confusion” associated with dialing patterns and conduct. (Compare the support for the PaPUC on this issue from the North Pittsburgh Telephone Company, Bentleyville Telephone Company, Marianna and Scenery Hill Telephone Company, Citizens Telephone Company of Kecksburg, Frank Mascara, House of Representatives, 20th District, Pennsylvania, and J. Barry Stout, State Senator.) However, as a general matter we believe that customers adapt to dialing patterns fairly quickly. (It is our “experience . . . that consumers quickly become accustomed to new area codes.” U S WEST Response to the Reconsideration Petitions Concerning the Second Report and Order, filed herein Nov. 20, 1996 at 11 (“U S WEST Response”)). Furthermore, we believe that over time, the cumulative

dialing with respect to overlay area code deployments, idiosyncratic state practices that differ -- while they may be convenient for residents in the locale -- will be frustrating and annoying to those traveling to and through their jurisdictions.

II. THE COMMISSION'S PREEMPTORY JURISDICTION OVER NUMBERING PROVIDES IT AMPLE AUTHORITY TO DENY THE PAPUC PETITION AND REMAIN RESOLUTE IN ITS 10-DIGIT DIALING REQUIREMENT.

The Telecommunications Act of 1996 clearly gives the Commission exclusive jurisdiction over numbering issues. While U S WEST agrees (as it has agreed in the past) with the Commission's observation that state commissions are "uniquely positioned to understand local conditions and what effect new area codes will have on those conditions,"<sup>11</sup> such commissions are less well equipped to determine the overall national interest with respect to area code deployment and national dialing patterns.

As WorldCom points out, to the extent that the Commission starts granting state waiver requests to allow for continued 7-digit dialing within the context of area code overlays, it is predictable that more and more states will follow suit, basing their evidence in support of their requested relief on particularly parochial facts and circumstances.<sup>12</sup> As AT&T argues, the Commission will have to be privy to

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national confusion for customers will be lessened and alleviated by moving to a ubiquitous 10-digit dialing model. This is certainly a better solution than, as Teleport asserts, relegating the "inconvenience of ten-digit dialing only to the customers of CLECs." Teleport at 10.

<sup>11</sup> Second Report and Order ¶ 272, quoted with approval in U S WEST Response at 10.

<sup>12</sup> WorldCom at 5-6.

an extensive record to ascertain whether the factual information is sufficient in any event to support the requested waivers.<sup>13</sup> Processing of waivers takes time and that time obviously increases with multiple requests.

Furthermore, multiple waiver requests of existing Commission rules generally demonstrate either a fundamental technical or policy problem with the mandated Commission relief. In the case of the PaPUC Waiver, it seems that the latter is the driving force, rather than the former. To the extent that waivers are granted because of differences in “policy” positions, there will never be national uniformity and competitive barriers will exist across the country because of local, rather than national, policy determinations.

Competitors should not have to work the digit-dialing issue in every United States jurisdiction, particularly those that are regional or national carriers. The “digit dialing” issue should not be one fought out in 50 jurisdictions. Neither competitors nor the general consuming public is well served by such an approach, as recent industry consensus activity in the area of dialing recommendations confirms.<sup>14</sup>

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<sup>13</sup> AT&T at 5-6.

<sup>14</sup> “The industry recommends that a uniform dialing plan be adopted. The benefits of a uniform dialing plan include reduced customer confusion particularly in today’s mobile society, and support for a consistent, fair and equitable [sic] competitive environment. . . . Specifically, it is recommended that Alternative Three (10-digit Local and Toll) be the long term goal . . . [The dialing model] should be implemented as the opportunity presents itself, (e.g., in those locations where an overlay is selected for NPA relief).” Industry Number Committee (INC) Uniform Dialing Plan, Section 6.0, at p. 15 of 18.

### III. CONCLUSION

For all of the above reasons, U S WEST supports those commentators opposing the relief requested by the PaPUC.

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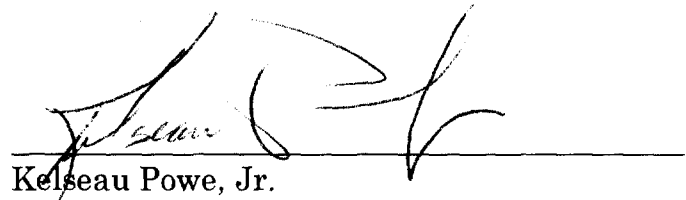
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March 12, 1997

## **CERTIFICATE OF SERVICE**

I, Kelseau Powe, Jr., do hereby certify that on this 12<sup>th</sup> day of March, 1997, I have caused a copy of the foregoing **REPLY COMMENTS OF U S WEST, INC.** to be served via first class U.S. Mail, postage pre-paid, upon the persons listed on the attached service list.



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